

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

March 18, 2010

10:18 a.m.

MEMBERS PRESENT

Representative Bryce Edgmon, Chair
Representative Wes Keller, Vice Chair
Representative Craig Johnson
Representative Cathy Engstrom Munoz
Representative Robert L. "Bob" Buch

MEMBERS ABSENT

Representative Charisse Millett
Representative Scott Kawasaki

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Commercial Fisheries Entry Commission

Bruce Twomley - Juneau

-CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 246

"An Act relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."

- MOVED HB 246 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 246

SHORT TITLE: SPORT FISH GUIDE LICENSES

SPONSOR(S): REPRESENTATIVE(S) NEUMAN

04/19/09	(H)	READ THE FIRST TIME - REFERRALS
04/19/09	(H)	FSH, RES
03/16/10	(H)	FSH AT 10:15 AM BARNES 124
03/16/10	(H)	Heard & Held

03/16/10 (H) MINUTE(FSH)
03/18/10 (H) FSH AT 10:15 AM BARNES 124

WITNESS REGISTER

BRUCE TWOMLEY, Appointee
to the Commercial Fisheries Entry Commission (CFEC)
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Commercial Fisheries Entry Commission.

REPRESENTATIVE MARK NEUMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as the sponsor of HB 246.

ACTION NARRATIVE

10:18:08 AM

CHAIR BRYCE EDGMON called the House Special Committee on Fisheries meeting to order at 10:18 a.m. Representatives Edgmon, Buch, and Keller were present at the call to order. Representatives Munoz and Johnson arrived as the meeting was in progress.

CONFIRMATION HEARING(S)

Commercial Fisheries Entry Commission

10:18:34 AM

CHAIR EDGMON announced that the first order of business would be to consider the reappointment of Bruce Twomley to the Commercial Fisheries Entry Commission (CFEC).

10:19:38 AM

BRUCE TWOMLEY, Appointee to the Commercial Fisheries Entry Commission (CFEC), Alaska Department of Fish & Game (ADF&G), informed the committee he was first appointed to the CFEC by Governor Jay Hammond in 1982, and has been reappointed seven times. For ten years prior to his service on the commission, he worked for Alaska Legal Services as an attorney. Mr. Twomley stated that the level of professional commitment by the staff at

the CFEC is a major reason why he wants to continue his work there. In addition, the work at the commission continues to be demanding and controversial, because people feel strongly about their rights to fish. The commissioners serve as administrative law judges, making decisions reviewed by the courts; in fact, some decisions may be reversed, potentially resulting in traumatic effects on fishermen's livelihoods. However, there has not been a reversal since 1984-validating the commission's work-and he expressed his desire to continue to serve.

[10:23:44 AM](#)

REPRESENTATIVE BUCH observed this is an opportunity, and the good fortune of the state, to have Mr. Twomley continue in his service. He asked for an overview of the commission's work this year.

[10:24:59 AM](#)

MR. TWOMLEY explained that the daily tasks involve producing legal decisions on limited entry permit applications. Denials by hearing officers are appealed to the CFEC and cases are decided by the agreement of two of the three commissioners. He advised that the decisions reached are as important to individuals as those in the court system. Working as a group, the three commissioners have reviewed more than 900 decisions since 1990. At the same time, the commission remained responsible for limiting fisheries. Today, the number of cases is down to 51. Mr. Twomley then reminded the committee that the commission also administers the agency, addressing regulatory questions, and establishing fees to commercial fisherman. He stated that the biggest issue last year was providing information to the state's attorneys for its defense against the Carlson lawsuit. In fact, the commission spends a lot of time working with attorneys to ensure that they have a clear understanding of the commission's decisions and reasoning. Another measure of the fairness of the commission's decisions is that in 1980 there were one hundred and fifty pending appeals of commission decisions, and now there are only eight.

[10:29:31 AM](#)

REPRESENTATIVE BUCH noted there is legislation to expand the size of some of the other state commissions. He asked whether additional commissioners would render the CFEC more or less effective.

[10:30:12 AM](#)

MR. TWOMLEY opined group decisions are better than individual decisions. He stated that having three commissioners has worked, and he was unsure of what the optimum number of commissioners might be before one would reach a point of diminishing returns regarding the thoroughness and efficiency of the commission's deliberations.

[10:31:46 AM](#)

The committee took an at-ease from 10:31 a.m. to 10:33 a.m.

[10:33:39 AM](#)

CHAIR EDGMON acknowledged the presence of Representative Johnson.

[10:33:57 AM](#)

REPRESENTATIVE KELLER moved to advance from committee the appointment of Bruce Twomley to the Commercial Fisheries Entry Commission.

CHAIR EDGMON asked whether there were any objections to the motion. There being none, the appointment was advanced from the House Special Committee on Fisheries.

[10:34:14 AM](#)

The committee took an at-ease from 10:34 a.m. to 10:35 a.m.

[10:35:33 AM](#)

HB 246-SPORT FISH GUIDE LICENSES

[10:35:36 AM](#)

CHAIR EDGMON announced that the final order of business would be HOUSE BILL NO. 246 "An Act relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."

[10:36:14 AM](#)

CHAIR EDGMON reminded the committee that public testimony was closed at the previous hearing. He invited closing comments from the bill sponsor regarding his intent for pending amendments.

[10:36:56 AM](#)

REPRESENTATIVE MARK NEUMAN, Alaska State Legislature, speaking as the sponsor, stated his intent to address the amendment regarding the sunset clause date before the House Resources Standing Committee. He reviewed the process that began one and one-half years ago with the department's advisory committee's efforts to determine how the residents of Alaska want to manage their resources. Concerns raised by residents include the difficulty in completing the surveys in the field-hopefully electronic scanning will help with this-and he pointed out that this information is important to the Board of Fisheries to continue to improve the science of tracking fish, and the allocation and management of fish. Representative Neuman concluded that information collected by the guides is critical.

[10:39:30 AM](#)

REPRESENTATIVE BUCH observed the only opposition to the bill centers on the \$50 additional charge.

REPRESENTATIVE NEUMAN clarified that the sport fishing business owner fee is \$100, and he said, "Do I think that that's appropriate? No, I don't."

[10:40:42 AM](#)

REPRESENTATIVE BUCH asked whether that issue would be addressed by the next committee.

REPRESENTATIVE NEUMAN advised that the House Resources Standing Committee will review this issue; however, the industry is using Alaskan resources, and funds are needed to manage this resource. With declining oil revenue, programs must be funded by user fees, or other ways, in order to obtain the needed data.

[10:42:02 AM](#)

REPRESENTATIVE BUCH stated his support for the legislation; in fact, other groups have taxed themselves and contributed to their industries.

10:43:55 AM

REPRESENTATIVE KELLER moved to report HB 246, 26-LS0929\A, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 246 was reported out of the House Special Committee on Fisheries.

10:44:21 AM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:45 a.m.